



Setting the Standards for  
Home Energy Efficiency

## Final Standard Revision

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Date Approved: September 15, 2016

Amendment Date:

Effective Date: October 15, 2016

Proponent: Standard Development Committee 900

Organization: RESNET

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### Justification:

Currently the RESNET Standards require that the RESNET Board of Directors hear and consider the appeals of a RESNET Ethics and Appeals Committee decision.

Because RESNET is a membership organization made up of the HERS industry and its stakeholders and that the RESNET Board is elected by its category of membership, a perception of conflict of interest can occur. If the appellant is a large national company it could be problematic to achieve the quorum of non-recused board members to constitute the consideration of an appeal.

Shifting appeals from the RESNET Board to a RESNET Appeals Panel selected at the time of an appeal to avoid conflicts of interest would resolve the issue of appearance of conflict of interest where board members may have or could have a competitive relationship with an appellant.

Time is critical so this is a request for an “interim” amendment that will be followed by a formal standard amendment request.

## Chapter Nine RESNET Standards

### 912 Appeals

#### 912.1 Procedures

912.1.1 Appeals shall be made first to the RESNET Ethics and Appeals Committee, then to the RESNET ~~Board of Directors~~ Ethics Appeal Panel.

912.1.2 Within five (5) business days after receipt of an appealable action by RESNET, the Appellant shall notify the RESNET Executive Director of their intent to

appeal. The Appellant shall then have ten (10) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

912.1.3 Appeals shall include all relevant information and documentation and be sent in writing by electronic mail to the RESNET Executive Director.

912.1.4 During the appeals process, all parties to the appeal may petition the RESNET Ethics and Appeals Committee ~~or Board of Directors~~ for a stay of action upon expiration of the appeals process. A decision on the petition shall be rendered by the RESNET Ethics and Appeals Committee not later than ten (10) business days after receipt of the petition. In the event that additional information is requested, an extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

912.1.5 At the time of noticing its appeal to the RESNET Ethics and Appeals Committee, the Appellant may request a telephonic hearing, which gives the Appellant the opportunity to provide oral arguments in favor of their appeal. In such an event, RESNET shall, not later than ten (10) business days after the filing of the notice of appeal, notify all parties to the appeal of the date of the hearing, which shall be held as expeditiously as possible, but not later than twenty (20) business days after the receipt of the notice of appeal.

912.1.6 Within ten (10) business days of receiving the appeal, or the date of a hearing, the Ethics and Appeals Committee ~~or Board of Directors~~ shall render a decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

912.1.7 Within five (5) business days after receipt of the decision of the RESNET Ethics and Appeals Committee, the Appellant shall notify the RESNET Executive Director of their intent to appeal the decision of the RESNET Ethics and Appeals Committee to an independent hearing by a RESNET Ethics Appeal Panel. The Appellant shall then have ten (10) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

A hearing shall be scheduled at a time convenient to all participants within a thirty (30) day period. At least a ten (10) business days notice shall be provided.

The Ethics Appeal Panel shall comprise three (3) voting members and one alternate who have not been directly involved in the dispute and who will not be materially or directly affected by the result of the decision made in the appeal.

At least two (2) persons shall be selected by the Appellant and at least two (2) persons shall be selected by RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of

Directors who will not be materially or directly affected by the result of the decision made in the appeal.

In cases where the Appellant does not wish to appoint any persons to the Ethics Appeal Panel, RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of Directors shall appoint the members of the Ethics Appeal Panel.

The four (4) members selected shall hear the appeal. One (1) of the four (4) members shall be selected randomly as the alternate by the RESNET Standards Manager by a blind drawing. In the case that one of the three (3) voting members are unable to serve, this alternate will serve as the third voting member.

All decisions of the Ethics Appeal Panel shall be determined by a two thirds (2/3) majority. The Appellant shall have the burden of proof to demonstrate the fault of the RESNET Ethics and Appeals Committee decision. RESNET shall have the burden of proof to demonstrate that all actions taken were in compliance with the due process procedures of this standard.

912.1.8 Within thirty (30) business days of the date of a hearing, the RESNET Ethics Appeal Panel shall render a written decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the Appellant sufficient time to respond.

912.1.~~79~~ All parties to the appeal shall be informed by electronic mail of the decision.

912.1.~~810~~ All appeals documentation received by RESNET shall be handled in strict confidence by RESNET staff, the Ethics and Appeals Committee and ~~the Board of Directors~~the RESNET Ethics Appeal Panel.